This Page Is Inserted by IFW Operations and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

As rescanning documents will not correct images, please do not report the images to the Image Problem Mailbox.

中华人民共和国国家知识产权局

PGJU 4155D3

邮政编码: 100101

北京市朝阳区北辰东路 8 号汇宾大厦 A0601 北京市柳沈律师事务所 马萤,邵亚丽





	······································				1 3. 4.7 (10.3)
申 请 号:	02140736.3	部门及通知书类型:	3D	发文日期:	Tan Miles
代 理 人:		马壶,邵亚丽			320
申 请 人:			三屈电子板	k式会社	
发明名称:		记录介质、实时记	录和①放方	法及装置、文件技	操作方法

第一次审查意见通	知书
1. 🛛 申请人于 2002 年 7 月 15 日提出了实审请求,根据专利法第 35 条 请进行实质审查。	第 1 歇的规定,审查员对上述发明专利申
□ 根据专利法第 35 条第 2 款的规定,国家知识产权局决定自行对」2. 図 申请人選求以共在:	述发明专利申谢进行审查。
KR 专利局的申请日 1998年5月1日 为	优先权臼.
	优先权曰,
大利用的申请日 为	优先权日,
专利局的申请日 为	优先权日
专利局的申请日 为	优先权日.
修改不能被接受的具体理由见通知书正文部分。 4. ② 中查是针对原始申请文件进行的。 □ 市查是针对下述申请文件进行的。 □ 市查是针对下述申请文件的权利要求第项、说明书第页、附值	F合实施细则第 51 条的规定。 可、附图第页; H第页;
図 本通知书是在进行了检案的情况下作出的。 図 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿月	拍) ;

回函谓寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收 2201 99.1 (注: 凡寄给审查员个人的信函不具有法律效力)

编号	文件号或名称	公 升 月 期 (或抵触申讼的申 羽 日)
1	W09814938A1	1998年4月9日
2	CN1117168A	1996年2月21日
3		年 月 日
4		年 月 日

2	CNIII7188A	2000 17 11	/3 H- FI
3		年	月日
4		年	月日
	中心的结论性 滋见 :		
6.	P 社的新花在盆地: ▼		
	□ 申谢的内容风子专利法第5条规定的不授予专利权的范围。		
	□ 说明书不符合专利法第 26 条第 3 款的规定。		
	☑ 说明书的视写不符合实施细则第 18 条的规定。		
	□		
	□ 权利要求风子专利法第 25 条规定的不授予专利权的范围。		
	□ 权利要求		
	□ 权利要求不具备专利法第 22 条第 2 款规定的新颖性。		
	☑ 权利要求 5.7 不具备专利法第 22 条第 3 次规定的创造性。		
	□ 权利要求不具备专利法第 22 条第 4 欧规定的实用性。		
	□ 权利要求不符合专利法第26条第4款的规定。		
	【 权利要求 不符合专利法第 31 条第 1 款的规定。		
	図 权利要求 1-4 不符合实施细则第 20 条至第 23 条的规定。		
	□ 权利要求不符合专利法第9条的规定。		
	□ 权利要求不符合实施细则第 13 条第 1 款的规定。		
	上述结论性意见的具体分析见本通知书的正文部分。		
7.	据于上述结论性 总见,审查 及认为,		
	□ 中谓人应按照通知书正文部分提出的要求,对申请文件进行修改。		መ <i>ለአማር የተ</i> ደ
	☑ 申请人应在意见陈述书中论述其专利申请可以被投予专利权的理由,并对通知书	,正义m25中101	מיינצאיוי בינו בנו
	规定之处进行修改,否则将不能授予令利权。	사이트 나는 바다 선수 그를 받는	4. 北東
	□ 专利申请中没有可以被授予专利权的实质性内容,如果申请人没有陈述理由或者 请将被驳回。	体を返出された。	Æ፣ ≯ኛጥ
8.	中谢人应注意下述事项:		
	(1) 根据专利法第37条的规定,申请人应在收到本通知书之日起的 <u> </u>	陈述意见,如果	P.中谓人
	无正当理由逾期不符复,其申请将被视为撤回。		
	(2) 申请人对其申请的修改应符合专利法第 33 条的规定,修改文本应一式两份,	其格式应符合图	中街指南
	的有关规定。		
	(3) 申请人的意见陈述书和/或修改文本应邮寄或递交给国家知识产权局专利局受	理处,凡未邮部	许以迎交
	给受理处的文件不具备法律效力。		
	(4) 未经预约,中诺人和/或代理人不得前来国家知识产权局专利局与审查员举行	会晤。	
9.			
	☑ 引用的对比文件的复印件共2份9页。		

中华人民共和国国家知识产权局

3. 权利要求 7 所要求保护的技术方案不具备创造性. 不符合专利法第 22 条第 3 款的规定。

从属权利要求 7 是对权利要求 5 的进一步限定,而此限定部分技术特征已在对比文件 1 中公开: "在 AV 数据的情况下,进一步确定数据是否是需要实时记录的 AV 数据,当同步模式被设置为从主机到记录设备的数据传输模式时,确定时实时记录"(参见对比文件 1 的说明书第 15 行第 4 行至第 12 行),此公开的"同步模式被设置为从主机到记录设备的数据传输模式"即为指示文件要求实时记录/重放的文件指示信息。因此,当其引用的独立权利要求 5 相对于对比文件 1 和对比文件 2 不具有创造性时,从属权利要求 7 所要求保护的技术方案也不具备专利法第 22 条第 3 款有关创造性的规定。

- 4: 权利要求书修改后,申请人还应当对说明书的技术方案部分作相应的 修改,在该部分中记载能够反映每一项独立权利要求所要求保护的技术方案的 内容。
- 5: 在说明书每一部分前面没有写明标题,不符合专利法实施细则第 18 条第 2 款的规定。申请人应对其进行修改。
- 6. 权利要求书修改后,中请人还应对本申请的发明名称进行修改,使之 反映本申请中所包含的各种发明类型。

基于上述理由,本申请按照目前的文本是不能被授予专利权,申请人应该 根据上述审查见在指定的期限内提交新的权利要求书和说明书,并提交原申 请文件的特换页,修改时应满足专利法第33条的规定,不得超出原说明书和权 利要求书记载的范围。(在意见陈述书中充分论述新修改的权利要求书相对于审



中华人民共和国国家知识产权局

查员引用的对比文件1具有创造性的理由)

申请人在提交修改文本时应当提交,第一,修改涉及部分原文的复印件,采用红色钢笔或红色圆珠笔在该复印件上标出所做的增加删除或替换,第二,重新打印的替换页一式两份,用于替换相应的原文。申请人应当确保上述两部分在内容上的一致。



第一次审查意见通知书正文

申请号: 02140736.3

1. 权利要求 1-4 保护范围不清楚,不符合专利法实施细则 20 条第 1 款的规定。

权利要求 1-4 所要求保护的是一种记录介质,属于产品权利要求,但这些权利要求是以其上所记载的信息的记录方式为所限定的技术特征,即是以信息为记载的形式,而一种记录介质的技术特征在于该记录介质的材料、形状、结构尺寸,所以这些权利要求所限定的技术特征与构成记录介质本身所应具有的技术特征无关,因此权利要求 1-4 不符合专利法实施细则 20 条第 1 款的规定。中查员提醒申请人注意,由于在原说明书中并没有记载关于记录媒体的材料、形状、结构尺寸等技术特征,因此如果申请人把原权利要求 1-4 修改成符合规定的新的权利要求,则会超出原说明书和权利要求书记载的范围。因此申查员建议申请人把权利要求 1-4 删除。

2. 独立权利要求 5 所要求保护的技术方案不具备创造性,不符合专利法第 22 条第 3 款的规定。

独立权利要求 5 请求保护一种操作文件的方法,对比文件 1 (W09814938A1)公开了一种适用于在/从盘上记录/再生 AV 数据的记录/再生方法,并具体公开了以下特征:"确定输入数据是否是 AV 数据,当为记录 AV 数据发出 Write-AV命令时,确定是 AV 数据"(参见对比文件 1 的说明书第 14 页第 21 行至第 26 行),"在 AV 数据的情况下,进一步确定数据是否是需要实时记录的 AV 数据,当同步模式被设置为从主机到记录设备的数据传输模式时,确定时实时记录"(参见对比文件 1 的说明书第 15 行第 4 行至第 12 行),由上述公开的技术特征可知,所公开的"Write-AV命令"和"同步模式的数据传输模式"都是实时记录和/或重放属性信息的一种,因此也都是根据这些属性信息对实时文件进行操作。权利要求 1 与对比文件 1 的区别在于技术特征:"按照实时文件创建过程、区分配过程、记录过程、重放过程和关闭过程中任何一个过程"。对比文件 2 (CN1117168A)公开了一种用于数据存储设备物理格式的用户定义的方法,并具体公开了"它用于为用户进程提供任务创建、删除、状态与同步功能"(参见对比文件 2 的说明书第 5 页第 24 行至第 6 页第 1 行),由此可知此对比文件公

The Patent office of the People's Republic Of China

Address: No. 6 XITUCHENG ROAD, JIMEN BRIDGE, HAIDIAN DISTRICT, BEIJING

Post Code: 100088

Applicant: SAMSLING ELECTRONICS CO. ID.	ISSUING DATE:
Agent: Ying Ma Application No.: 02190736.3	2004. 3.19.
Title: PECORDING MEDIUM FOR STOPING PERAI	- TIME

THE FIRST OFFICE ACTION

1. The applicant filed a request for substantive examination on Year 2 Month Day Saccording to Article 35 Paragraph 1 of the Patent Law. The examiner has conducted a substantive examination to the above-mentioned patent application. According to Article 35 paragraph 2 of the Patent Law. Chinese Patent office decided on its own initiative to conduct a substantive examination to the above-mentioned patent application. The applicant requested to take Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. The applicant has submitted the copy of the earliest application document certified by the competent authority of that country. According to Article 30 of the Patent Law, if the applicant has not yet aubmitted the copy of the aerliest application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made. This applicant submitted the amended document(s) on Year Month Day and Year Month Day should because the said amendment(s) is/are not in conformity with Article 33 of the Patent Law. is/are not in conformity with Rule 51 of the Implementing Regulations. The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the following text(s): page(s) of the specification, claim(s) and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) and figure(s) submitted on Year Month Day page(s) of the specification conformity with Rule 51 of the Implementing Regulation submitted on Year Month Day page(s) of the specification, claim(s) and figure(s) submitted on Year Month Day page(s) of the specification was made with undergoing search.		
Paragraph 1 of the Patent Law. The examiner has conducted a substantive examination to the above-mentioned patent application. According to Article 35 paragraph 2 of the Patent Law. Chinese Patent office decided on its own initiative to conduct a substantive examination to the above-mentioned patent application. 2. The applicant requested to take Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application document certified by the competent authority of that country. According to Article 30 of the Patent Law, if the applicant has not yet submitted the copy of the sarliest application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made. This application is a PCT application. The applicant submitted the amended document(s) on Year Month Day is/are not accepted submitted on Year Month Day is/are not accepted because the said amendment(s) is/are not in conformity with Rule 31 of the Implementing Regulations. The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the following text(s): page(s) of the specification, claim(s), and figure(s) submitted on Year Month Day page(s) of the specification, claim(s), and figure(s) submitted on Year Month Day page(s) of the specification, is a made with undergoing search. This notification was made with undergoing search.	1. M The applicant filed a request for substantive examination on Year 2 Month 7 Day 5 according to Article	. 94
application. According to Article 35 parsgraph 2 of the Patent Law. Chinese Patent office decided on its own initiative to conduct a substantive examination to the above-mentioned patent application. The applicant requested to take Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made. This application is a PCT application. The application is a PCT application. The application is a PCT application. The applicant submitted the amended document(s) on Year Month Day is fare not accepted because the said amendment(s) is fare not in conformity with Article 33 of the Patent Law. is fare not in conformity with Article 33 of the Patent Law. is fare not in conformity with Article 33 of the Patent Law. is fare not in conformity with Article 33 of the Patent Law. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the following text(s): page(s) of the specification, Claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) is fare clied: (the reference numeral(s) thereof will be used in the examination	Paragraph 1 of the Patent Law. The examiner has conducted a substantive examination to the above-mentioned not	tent
According to Article 35 paragraph 2 of the Patent Law. Chinese Patent office decided on its own initiative to conduct a substantive examination to the above-mentioned patent application. 2. The applicant requested to take Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. The applicant has submitted the copy of the earliest application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made. This applicant submitted the amended document(s) on Year Month Day and Year Month Dey after examination, submitted on Year Month Day is/are not accepted. Submitted on Year Month Day is/are not accepted because the said amendment(s) is/are not in conformity with Article 33 of the Patent Law. The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the following text(s): page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification was made with undergoing search.	•	
substantive examination to the above-mentioned patent application. 2. Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. The applicant has submitted the copy of the earliest application document certified by the competent authority of that country. According to Article 30 of the Patent Law, if the applicant has not yet submitted the copy of the earliest application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made. This applicant submitted the amended document(s) on Year Month Day and Year Month Day is/are not accepted. submitted on Year Month Day is/are not accepted. submitted on Year Month Day is/are not accepted because the said amendment(s) is/are not in conformity with Article 33 of the Patent Law. is/are not in conformity with Article 33 of the Patent Law. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the sphiloation text as originally filed. The examination has been conducted based on the following text(s): page(s) of the specification, Claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day Month Day is a submitted on Year Month Day Month Day is a submitted on Year Month Day Mon		ct a
2. The applicant requested to take Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. The applicant has submitted the copy of the earliest application document certified by the competent authority of that country. According to Article 30 of the Patent Law, if the applicant has not yet submitted the copy of the earliest application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made. This application is a PCT application. The applicant submitted the amended document(s) on Year Month Day and Year Month Day is/are not accepted. Submitted on Year Month Day is/are not accepted. Submitted on Year Month Day is/are not accepted because the said amendment(s) is/are not in conformity with Rule 31 of the Implementing Regulations. The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action. A Month Day is/are not in conformity with Rule 31 of the Implementing Regulations. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the following text(s): page(s) of the specification, Claim(s) and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) and figure(s) submitted on Year Month Day Month Day page(s) of the specification was made without undergoing search.		
Year Booth Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on which an application is filed with the patent office as the priority date. Year Month Day on Which an application is filed with the patent office as the priority date. Year Month Day on Which an application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made. This application is a PCT application. 3. The application is a PCT application. 3. The application is a PCT application. 3. Month Day and Year Month Day is/are not accepted. Submitted on Year Month Toay is/are not accepted. The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the following text(s): page(s) of the specification, Claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) is/are cited:(the reference numeral(s) thereof will be used in the examination		
YearMonthDayon which an application is filed with thepatent office as the priority date. YearMonthDayon which an application is filed with thepatent office as the priority date. The applicant has submitted the copy of the earliest application document certified by the competent authority of that country. According to Article 30 of the Patent Law, if the applicant has not yet submitted the copy of the earliest application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made. This application is a PCT application. The applicant submitted the amended document(s) on YearMonthDay and YearMonthDay is/are not accepted.		•
YearMonthDayon which an application is filed with thepatent office as the priority date. The applicant has submitted the copy of the earliest application document certified by the competent authority of that country. According to Article 30 of the Patent Law, if the applicant has not yet submitted the copy of the earliest application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made. This application is a PCT application. The applicant submitted the amended document(s) on YearMonthDay and YearMonthDay after examination, submitted on YearMonthDay is/are not accepted. submitted on YearMonthDay is/are not accepted because the said amendment(s) is/are not in conformity with Article 33 of the Patent Law. is/are not in conformity with Rule 51 of the Implementing Regulations. The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the following text(s): page(s) of the specification, Claim(s), and figure(s) submitted on YearMonthDay page(s) of the specification, claim(s), and figure(s) submitted on YearMonthDay page(s) of the specification, claim(s), and figure(s) submitted on YearMonthDay page(s) of the specification, claim(s), and figure(s) submitted on YearMonthDay page(s) of the specification, claim(s), and figure(s) submitted on YearMonthDay page(s) of the specification, claim(s), and figure(s) submitted on YearMonthDay This notification was made with undergoing search.		to.
The applicant has submitted the copy of the earliest application document certified by the competent authority of that country. According to Article 30 of the Patent Law, if the applicant has not yet submitted the copy of the earliest application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made. This application is a PCT application. The applicant submitted the amended document(s) on YearMonthDayand YearMonthDayis/are not accepted. Submitted on YearMonthDayis/are not accepted. The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the following text(s): page(s)of the specification, Claim(s), and figure(s)in the original text of the application submitted on the filing day. page(s)of the specification, claim(s), and figure(s)submitted on YearMonthDay This notifica		
that country. According to Article 30 of the Patent Law, if the applicant has not yet submitted the copy of the earliest application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made. This application is a PCT application. The applicant submitted the amended document(s) on YearMonthDay and YearMonthDay after examination, submitted on YearMonthDay is/are not accepted. submitted on Year MonthDay is/are not accepted because the said amendment(s) is/are not in conformity with Article 33 of the Patent Law. is/are not in conformity with Rule 51 of the Implementing Regulations The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the following text(s): page(s) of the specification, Claim(s), and figure(s) in the original text of the application submitted on the filing day. page(s) of the specification, claim(s), and figure(s) submitted on YearMonth Day page(s) of the specification, claim(s), and figure(s) submitted on Year Month Day submitted on Year Month Day page(s) of the specification, claim(s), and figure(s) submitted on Year Month Day submitted Year		
document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made. This application is a PCT application. The application is a PCT application. The applicant submitted the amended document(s) on YearMonthDay and YearMonthDay is/are not accepted. Submitted on YearMonthDay is/are not accepted	Λ,	
document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made. This application is a PCT application. The application is a PCT application. The applicant submitted the amended document(s) on YearMonthDay and YearMonthDay is/are not accepted. Submitted on YearMonthDay is/are not accepted	According to Article 30 of the Patent Law, if the applicant has not yet submitted the copy of the earliest application	מם
have been made. This application is a PCT application. The applicant submitted the amended document(s) on YearMonthDay	•••	
3. The applicant submitted the amended document(s) on YearMonthDayand YearMonthDay_after examination,submitted on YearMonthDayis/are not acceptedMonthDayis/are not accepted because the said amendment(s)is/are not in conformity with Article 33 of the Patent Lawis/are not in conformity with Rule 51 ofthe Implementing Regulations The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action. 4. The examination has been conducted based on the application text as originally filedThe examination has been conducted based on the following text(s): page(s)of the specification, Claim(s), and figure(s)in the original text of the application submitted on the filing day. page(s)of the specification, claim(s), and figure(s)submitted on YearMonthDay page(s)of the specification, claim(s), and figure(s)submitted on YearMonthDay page(s)of the specification, claim(s), and figure(s)submitted on YearMonthDay This notification was made without undergoing search. This notification was made with undergoing search.		
after examination,submitted on YearMonthDayis/are not acceptedMonthDayis/are not acceptedMonthDayis/are not accepted	☐This application is a PCT application.	
submitted on Year	3. The applicant submitted the amended document(s) on YearMonthDay_and Year_MonthDay	ıγ
because the said amendment(s) is/are not in conformity with Article 33 of the Patent Law. is/are not in conformity with Rule 51 of the Implementing Regulations The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action. 4. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the following text(s): page(s)	after examination,submitted on YearMonthDayis/are not accepted.	
is/are not in conformity with Rule 51 of the Implementing Regulations The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the following text(s): page(s) of the specification, Claim(s), and figure(s) in the original text of the application submitted on the filing day. page(s) of the specification, claim(s), and figure(s) submitted on Year Month Day page(s) of the specification, claim(s), and figure(s) submitted on Year Month Day page(s) of the specification, claim(s), and figure(s) submitted on Year Month Day submitted on Year Month Day files notification was made without undergoing search. This notification was made with undergoing search. This notification was made with undergoing search.	submitted on YearMonthDayis/are not accepted	
The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action. 4. The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the following text(s): page(s) of the specification, Claim(s), and figure(s) in the original text of the application submitted on the filing day. page(s) of the specification, claim(s), and figure(s) submitted on Year Month Day page(s) of the specification, claim(s), and figure(s) submitted on Year Month Day 5. This notification was made without undergoing search. This notification was made with undergoing search. The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination	because the said amendment(s) is/are not in conformity with Article 33 of the Patent Law.	
 The examination has been conducted based on the application text as originally filed. The examination has been conducted based on the following text(s): page(s)of the specification, Claim(s), and figure(s)in the original text of the application submitted on the filing day. page(s)of the specification, claim(s), and figure(s)submitted on YearMonthDaypage(s)of the specification, claim(s), and figure(s)submitted on YearMonthDay This notification was made without undergoing search. This notification was made with undergoing search. The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination 	is/are not in conformity with Rule 51 of the Implementing Regulations	
The examination has been conducted based on the following text(s): page(s) of the specification, Claim(s), and figure(s) in the original text of the application submitted on the filing day. page(s) of the specification, claim(s), and figure(s) submitted on Year Month Day page(s) of the specification, claim(s), and figure(s) submitted on Year Month Day 5. This notification was made without undergoing search. This notification was made with undergoing search. The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination	The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action.	
page(s) of the specification, Claim(s) , and figure(s) in the original text of the application submitted on the filing day. page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day 5. This notification was made without undergoing search. This notification was made with undergoing search. The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination	4. The examination has been conducted based on the application text as originally filed.	
on the filing day. page(s) of the specification, claim(s), and figure(s) submitted on Year Month Day page(s) of the specification, claim(s), and figure(s) submitted on Year Month Day 5. This notification was made without undergoing search. This notification was made with undergoing search. The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination	The examination has been conducted based on the following text(s):	
page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day page(s) of the specification, claim(s) , and figure(s) submitted on Year Month Day 5. This notification was made without undergoing search. This notification was made with undergoing search. The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination	page(s) of the specification, Claim(s), and figure(s) in the original text of the application submitted	1
page(s)of the specification, claim(s), and figure(s)submitted on YearMonthDay 5. This notification was made without undergoing search. This notification was made with undergoing search. The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination	on the filing day.	
5. This notification was made without undergoing search. This notification was made with undergoing search. The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination	page(s)of the specification, claim(s), and figure(s)submitted on YearMonthDay	
This notification was made with undergoing search. [The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination	page(s)of the specification, claim(s), and figure(s)submitted on YearMonthDay	
The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination	5. This notification was made without undergoing search.	
The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination	This notification was made with undergoing search.	
nrocedure here(for)	The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination	
Processes /	procedure hereafter)	

NO.	Reference No. or Title	Publishing Date
1		1998.4.9
2	14864 - WOUNTER AND WAR	1996. 2. 2
3		'
4		
5		

·•'.

6. Concluding comments
on the specification:
The contents of the application are in contrary to Article 5 of the Patent Law and therefore are not patentable. The contents of the application do not possess the practical applicability as prescribed in Paragraph 4 of Article 5 of
the Patent Law.
The specification is not in conformity with the provision of Paragraph 3 of Article 26 of the Patent Law. The presentation of the specification is not in conformity with the provision of Rule 18 of the Implementing Regulations.
Von the claims:
Claim(s)belong(s) to non-patentable subject matter as prescribed in Article 25 of the Patent law. Claim(s)do(es) not comply with the definition of a patent as provided in Rule 2 paragraph 1
of the Implementing Regulations.
Claim(s)do(es) not possess novelty as requested by Article 22 paragraph 2 of the Patent Law. Claim(s)do(es) not possess inventiveness as requested by Article 22 paragraph 3 of the Patent Law. Claim(s)do(es) not possess practical applicability as requested by Article 22 paragraph 4 of the
Patent Law. Claim(5) do(cs) not comply with the provision of Article 26 paragraph 4 of the Patent Law.
4 Table 2 management I of the Detent I of
Claim(s)do(es) not comply with the provision of Article 31 paragraph 1 of the 7 alone 20 of the Implementing Regulations.
Claim(s) do(es) not comply with the provision of Article 9 of the Patent Law.
Claim(s) do(es) not comply with the provision of Rule 12 paragraph 1 of the Implementing
Regulations.
The detailed analysis for the above concluding comments is presented on the text of this Office Action.
Based on the above concluding comments, the examiner is of the opinion that
The applicant should amend the application document(s) in accordance with the requirement as specified in the Office
The applicant should, in his observation, expound the patentability of the application of the application, amend the defects pointed out in the Office Action; or the application can hardly be approved.
The examined deems that the application lacks substantive features to make it patentable. Therefore, the application will be rejected if no convincing reasons are provided to prove its patentability.
The applicant should pay attention to the following matters:
(1) According to Article 37 of the Patent Law, the applicant is required to submit his observations within FORT months upon receipt of this Office Action. If the time limit for making response is not met without any justified
reason, the application to have been withdraw. (2) The amendment(s) made by the applicant must meet the requirements of Article 33 of the Patent Law. The amended
(2) The amendment(s) made by the applicant must meet the requirements of Article 33 of the facilities are sensitive text should be in duplicate, its format should conform to the related confinement in the Guidance for Examination.
the control of the co
invited.
(4) The observation and/of the amended document(s) must be mailed of delivered to the Receiving Section of the
Chinese Patent Office. No legal effect shall apply for any document(s) that not mailed to or reached the Receiving Section.
Section. The text of this Office Action contains
copies of the cited references, all together pages.
Examination Dept. NoExaminerSeal of Examination Dept. for business only
(if the Office Action wasn' t stamped by the specified seal, it has no legal effect)

TEXT OF THE FIRST OFFICE ACTION

Application number: 02140736.3

1. Claims 1-4 do not comply with the provision of Rule 20, paragraph 1 of the Implementing Regulations of the Chinese Patent Law in that the protection scope thereof is not clear.

Claims 1-4 are for a recording medium and thus belong to product claims. However, said claims take the recording modes of the information recorded thereon as the technical features defined therein, that is, take the information as the recording manner. But the technical features of a recording medium lie in the material, shape, structural size of the recording medium, thereby the technical features defined in said claims have no relation with the technical feature for constituting the recording medium per se. Thus, claims 1-4 do not comply with the provision of Rule 20, paragraph 1 of the Implementing Regulations of the Chinese Patent Law. The applicant should note that: since the original specification does not disclose the technical features concerning the material, shape, structural size of the recording medium, the amendments will go beyond the scope of the original specification and claims if the applicant amends the original claims 1-4 into the new claims complying with the provision. Therefore, the examiner suggests the applicant delete claims 1-4.

2. The technical solution sought for protection in the independent claim 5 does not possess inventiveness, which does not comply with the provision of Article 22, paragraph 3 of the Chinese Patent Law.

The independent claim 5 is for a method of operating a file. Reference 1 (WO9814938A1) has disclosed a recording/reproducing method suitable for recording/reproducing AV data on/from disc with the following technical features in detail: "it is determined whether the input data is AV data or not, when Write_AV command is sent for recording AV data, it is determined to be AV data" (refer to page 14, lines 21-26 of the specification of Reference 1); "in the case of AV data, it is further determined whether the data is the AV data which requires real time recording,

when the synchronous mode is set as the data transfer mode from the host computer to the recording apparatus, it is determined to be real time recording" (refer to page 15, lines 4-12 of the specification of Reference 1). Thus it can be seen from the above technical features that: the disclosed "Write_AV command" and "the data transfer mode of the synchronous mode" both belong to a kind of real time recording/reproduction attribute information, and thus both of them operate the real time file according to the attribute information. Claim 5 is distinguished from Reference 1 in the technical feature of "in correspondence with any one process among a real time file creation process, an area allocation process, a recording process, a reproduction process, a deletion process, and a closing process". Reference 2 (CN1117168A) has disclosed a method for user definition of data storage device physical format with the following in detail: "which is utilized to provide task creation, deletion, status and synchronization functions for user processes" (refer to page 5, line 24 to page 6 line 1 of the specification of Reference 2. Thus it can be seen that Reference 2 has disclosed the processes such as creation and deletion. And according to the common technical knowledge grasped by those skilled in the art, all the processes such as file creation process, area allocation process, recording process, reproduction process and closing process belong to the common processes for operating the file. Thus it can be seen that based on Reference 1, those skilled in the art can obtain the inspiration from Reference 2 as applying the above distinctive features into Reference 1 to obtain the technical solution sought for protection in the present claim 5. That is, such a combination is obvious for those skilled in the art, fails to create any unexpected technical effect, and does not possess prominent substantive feature or notable progress. Thus, the technical solution sought for protection in claim 5 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Chinese Patent Law.

3. The technical solution sought for protection in claim 7 does not possess inventiveness, which does not comply with the provision of Article 22, paragraph 3 of the Chinese Patent Law.

The dependent claim 7 further defines claim 5, but the technical feature in the characterizing portion thereof has been disclosed in Reference 1 as "in the case of AV data, it is further determined whether the data is the AV data which requires real time

recording, when the synchronous mode is set as the data transfer mode from the host computer to the recording apparatus, it is determined to be real time recording" (refer to page 15, lines 4-12 of the specification of Reference 1). The feature of "the synchronous mode is set as the data transfer mode from the host computer to the recording apparatus" disclosed here indicates the file indication information indicating that a file requires real time recording/reproduction. Thus, as the cited independent claim 5 does not possess inventiveness in comparison with References 1 and 2, the technical solution sought for protection in the dependent claim 7 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Chinese Patent Law either.

- 4. After amending the claims, the applicant should also make corresponding amendments to the technical solution portion of the specification by recording into said portion the contents of the technical solutions sought for protection in the respective independent claims.
- 5. Each part of the specification lacks a heading, which does not comply with the provision of Rule 18, paragraph 2 of the Implementing Regulations of the Chinese Patent Law, The applicant should make amendments to that.
- 6. After amending the claims, the applicant should further amend the title of the invention of the present application, so as to enable the title to reflect various types of invention included in the application.

Due to the above reasons, the application can not be granted a patent right under the present text. The applicant should, within the specified time limit, submit the new claims and specification in accordance with the above examination opinions, and submit the substitute sheets of the original application text. Furthermore, any amendment should not go beyond the scope of the original specification and claims, so as to comply with the provision of Article 33 of the Chinese Patent Law. (And the applicant should expound reasons in his Observation to prove the anew amended claims do possess inventiveness in comparison with Reference 1 cited by the Examiner).

The amended documents to be submitted by the applicant shall include: No.1, a copy of the original document concerning the part due to be amended, in which any insertion, deletion or replacement should be made in red with red pen or red ball-pen; No.2, a set of replacement sheets, which will be used to replace the corresponding original part. The applicant should ensure the above two parts are corresponding in contents.

JXH



[12] 发明专利申请公开说明书

[21]申请号 94113436.9

[43]公开日 1996年2月21日

[51]Int.Cl⁶
G06F 13/28

[22]申请日 94.12.31

[30]优先权

[32]94.1.21 [33]US[31]184,417

[71]申请人 国际商业机器公司

地址 美国纽约州

[72]发明人 R·A·比林斯 D·H·布朗

E·A·卡宁汉姆 R·格林堡

H·H·奥蒂森

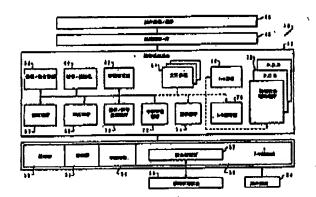
[74]专利代理机构 中国专利代理(香港)有限公司 代理人 社有文 马铁良

权利要求书 4 页 说明书 22 页 附图页数 12 页

[54] 发明名称 用于数据存储设备物理格式的用户定义 的系统与方法

[57]扬宴

在一个数据处理系统上存储数据是在生成一个数据文件时,通过显示一个用户界面,允许用户为该数据文件选择存储标准而完成的。响应用户为一个文件选择的存储标准,从多种可利用的物理格式类型中为该文件确定一种物理格式类型。然后将该文件作为至少一个符合所确定的物理格式类型的第一记录存储在一个直接存取存储设备上。



(BJ)第 1456 号

参见图 2,其中描绘了可用来实现本发明的方法与系统的一个数据处理系统 4 0 的软件与硬件部件的一个高层方框图,数据处理系统 4 0 包括位于一个硬件系统 4 4 中的一个操作系统核心 4 2。操作系统最好是由诸如可从微软公司得到的 M S - D O S / 版本 3 · 3 或更晚的版本,或者可以从国际商用机器公司得到的 O S / 2 操作系统之类磁盘操作系统提供的。硬件系统 4 4 包括一个中央处理单元(C P U)5 0 及一个主存储器 5 2。硬件系统 4 4 还包括一个中断控制器 5 4 及输入 / 输出适配器 5 6。包含在输入 / 输出适配器 5 6 中的有设备控制器 5 7,后者在操作系统核心 4 2 的软件与一个直接存取存储设备 5 9 之间操作。

用户进程/程序 4 6 以熟悉本技术的人员众所周知的方式,通过数字 4 8 处所描绘的系统调用,访问操作系统核心 4 2 中的所选择的过程。如在这些系统中常用的,操作系统核心 4 2 中所选择的过程是设计成供数据处理系统 4 0 内的应用程序调用的,然后任务将返回到调用该操作系统核心过程的用户程序中。以这一方式,操作系统核心 4 2 作为数据处理系统 4 0 的用户与硬件系统 4 4 之间的接口工作。

操作系统核心 4 2 被利用来提供一个各种进程或程序可在其中执行的环境。操作系统核心 4 2 通过控制文件的建立与改动、输入/输出设备的控制以及提供使数据处理系统 4 0 能与各种外部设备接口的许多设备驱动程序,来提供有效的利用并防止用户应用程序与数据处理系统 4 0 的正常操作的互相干扰。

操作系统核心 4 2 中包括多个异步子系统,其中包括进程/任务管理系统 5 8,它用于为用户进程 4 6 提供任务创建、删除、状

态与同步功能。初始化系统 6 0 通常以微码形式实现在不能寻址的存储器中,并且是用来将操作系统加载进存储器 5 2 中的。

接着描述存储器管理系统 6 2。存储器管理系统 6 2 分配与重新分配计算机存储器 5 2 的部分。文件系统 6 4 被很好地用来控制文件的建立与删除。一个文件只是作为一个单位由一个数据处理系统存储或处理的一个命名的记录组。通常在操作系统核心内所编址的文件的另一方面便是对文件访问的控制。存取控制用于保证对文件或目录的一次访问是经过正确性检验的。下面描述输入/输出服务系统 6 6。输入/输出服务系统 6 6 最好是操作系统核心 4 2 中的控制外围硬件的一个功能单元。

下面描述操作系统核心 4 2 中的调度程序 (dispatcher) 6 8 。 调度程序 6 8 令作业或任务执行。从而,调度程序 6 8 负责提供多重任务处理,并与一个调度程序 (scheduler) 协同操作来实现一种特定形式的调度系统。

在操作系统核心 4 2 内还描绘了陷阱与信号处理程序 7 0 ,它是用来响应通常由硬件系统 4 4 激活的陷阱与信号的。在硬件 4 4 生成的信号中有涉及存储器 5 2 及通过 1 / 0 适配器 5 6 访问的辅助存储器 5 9 (直接存取存储设备即"DASD")的页面出错信号指示。这些页面出错信号又细分成与所存取的存储器的类型相对应的两种类型。页面回收操作涉及限于存储器 5 2 的存储器页面调度操作。请求 I / 0 操作的页面出错是第二类。与中央处理器操作及页面回收相比,任何辅助存储器操作需要相对大量的时间来执行。

中断管理程序 7 2 很好地管理由操作系统核心 4 2 与核心扩充设立的中断处理程序,这些中断处理程序采取一切必要的动作来响